

(e. HG)

DAPHNE E. BARBEE #2911
 ATTORNEY AT LAW
 1188 BISHOP STREET
 CENTURY SQUARE, SUITE 1909
 HONOLULU, HI 96813
 TELEPHONE: 808-533-0275

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

JAN 22 2008

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at 4 o'clock and 19 min. P.M.
 SUE BEITIA, CLERK

ATTORNEY FOR PLAINTIFF

IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

RAYMOND E. WARE;)	CIVIL NO. CV 04-00671 HG/LEK
)	
Plaintiff,)	PLAINTIFF WARE'S CONCISE
)	STATEMENT OF THE CASE;
vs.)	CERTIFICATE OF SERVICE
)	
MICHAEL CHERTOFF, Secretary,)	
Department of Homeland Security;)	
JOHN DOES 2-5,)	Trial Date: February 5, 2008
)	Time: 9:00a.m.
Defendants.)	Judge: Helen Gillmor
)	

PLAINTIFF WARE'S CONCISE STATEMENT OF THE CASE

RAYMOND E. WARE, a former police detective, was hired by Department of Homeland of Security, Transportation Security Administration in Washington, D.C. as a Screening Supervisor and transferred to Honolulu in November 2002. He is African-American. Prior to being hired by TSA, Mr. Ware was a Mobile Screener for the airports and trained many of the airport screeners to screen

passengers and their luggage. After Mr. Ware arrived in TSA Honolulu, he informed his managers, Ken Kamahale and Sidney Hayakawa that he wanted to become a Screening Manager. He was hired as a Screening Supervisor from the mainland and transferred to Honolulu TSA.

From November 2002 through November 2003 Defendant TSA Honolulu management, Ken Kamahale and Sidney Hayakawa hired persons to become Screening Managers. Mr. Ware applied for the Screening Manager positions, which would be considered a promotion. Mr. Kamahale and Mr. Hayakawa did not promote Mr. Ware. As a result of not being promoted, Mr. Ware suffered damages.

Before Mr. Ware applied for the promotion in August 2003, he filed a race discrimination complaint concerning the manner in which he was treated at TSA Honolulu. He first complained in June 2003. After Mr. Ware filed a discrimination complaint and while it was being investigated, his request for promotion was denied. Mr. Ware was not even interviewed for the position of Screening Manager despite his qualifications.

Mr. Ware filed another EEO complaint alleging discrimination on the basis of race and retaliation for filing a discrimination complaint. The jury will determine the facts and decide whether Defendant TSA discriminated against Mr.

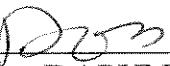
Ware on the basis of race and/or retaliation by a preponderance of evidence.

Mr. Ware no longer works for TSA Honolulu as of December 26, 2003.

The jury is not to speculate as to the reasons he no longer works at TSA as this is not an issue in this trial.

DATED: Honolulu, Hawaii

1-22-08



DAPHNE E. BARBEE
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was duly served upon the following parties at their last known addresses by means of hand delivery on this date.

EDWARD H. KUBO, JR., ESQ.
U.S. Attorney
THOMAS A. HELPER, ESQ.
Assistant U.S. Attorney
Rm. 6-100, PJKK Federal Building
300 Ala Moana Blvd.
Honolulu, Hawaii 96850

Attorneys for Federal Defendants

DATED: Honolulu, Hawaii, 1-22-08.

DGB

DAPHNE E. BARBEE
Attorney for Plaintiff